

**REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 1-17 were pending in this application. Claims 2-8 and 10 have been withdrawn but remain pending for future rejoinder in view of the designation of generic claim 1. In this response, claims 1-17 have been amended. Thus, claims 1-17 (claims 2-8 and 10 withdrawn) remain pending.

The amendments to claims 2-17 merely conform the preamble to that of claim 1 and do not alter the scope of the features in those claims.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims, the drawing figures and the specification, page 7, line 22 to page 8, line 6.

***REJECTIONS UNDER 35 U.S.C. § 112, Second Paragraph***

Claims 1, 9 and 11-17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention on the grounds set forth on page 2 of the Official Action. By the present response claim 1 has been amended to clarify that the claims are drawn to the combination of an impact crusher and a holding member. In view of the amendments herein, reconsideration and withdrawal of this rejection are respectfully requested.

***REJECTIONS UNDER 35 U.S.C. § 102(b)***

Claims 1, 9 and 11-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,074,201 to Garrison (hereafter “*Garrison*”) on the grounds set forth on page 4 of the Official Action. This reference is direct to a dental wedge for dental restoration and not to an impact crusher. It is respectfully asserted that the present claims distinguish over this reference and that an anticipatory rejection is improper because all of the features of the present claim are not present in *Garrison*. Withdrawal of the rejection is respectfully requested.

Claims 1, 9 and 11-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,796,822 to Terrenzio (hereafter “*Terrenzio*”) on the grounds set forth on page 4 of the Official Action. This rejection is respectfully traversed.

*Terrenzio* is directed to an impact crusher. The crusher has two types of wear plates: wear plates 162 (col. 8, lines 12 et seq and FIG. 3) and wear plates 174 (col. 8, lines 49 et seq. and FIG. 4). Wear plates 174 cooperate with an adjacent wear plate 162, as shown in FIG. 2 to form a contiguous surface between each opening 116 and landing surface 114 (col. 8, lines 60-63). The wear plate 174 is secured to an upper or lower cover plate (col. 2, lines 42-43) by placement of flange 180 beneath either landing ring 142 or entrance ring 144 (col. 8, lines 57-59). The wear plate 164 is also secured to an upper or lower cover plate (col. 2, lines 42-43) by placement of a flange 168 beneath either landing ring 142 or entrance ring 144 (col. 8, lines 25-31). A bar 172 can also be used to secure wear plate 172 in position (col. 8, lines 37-38).

To anticipate a claim, the reference must teach all of the elements of the claim. See MPEP § 2131. Comparing the disclosure in *Terrenzio* to the claims of the present application at issue here, the *Terrenzio* patent does not disclose at least a holding member comprising a holding

part for holding the wear plate and a fixing means for releasably fixing the holding member to the vertical wall segment of said rotor such that the wear plate bears against a first side of said wall segment as presently claimed in independent claim 1. Rather, the Examiner identified holding member 172 is not releasably fixed to a vertical wall segment and there is no disclosure in *Terrenzio* to the wear plates bearing against a first side of a wall segment. In light of at least this difference, Applicants respectfully submit that an anticipatory rejection is improper since *Terrenzio* does not disclose the invention as claimed.

Claims 1, 9 and 11-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,997,368 to Mayer et al. (hereafter "*Mayer et al.*") on the grounds set forth on page 4 of the Official Action. This reference is direct to an oral measuring device made from plastic or other lightweight substance that is inserted into the mouth and not to an impact crusher. It is respectfully asserted that the present claims distinguish over this reference and that an anticipatory rejection is improper because all of the features of the present claim are not present in *Mayer et al.* Withdrawal of the rejection is respectfully requested.

***REJECTIONS UNDER 35 U.S.C. § 102(e)***

Claims 1, 9 and 11-17 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0232661 to Greer, Jr. (hereafter "*Greer, Jr.*") on the grounds set forth on page 5 of the Official Action. This reference is direct to a golf putter head and not to an impact crusher. It is respectfully asserted that the present claims distinguish over this reference and that an anticipatory rejection is improper because all of the features of the present claim are not present in *Greer, Jr.* Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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